

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DONNA J. GARRETT, *et al.*)
)
Plaintiffs,)
)
v.) Case No. 4:09-cv-01252-ERW
)
J. DOUGLAS CASSITY, *et al.*,)
)
Defendants.)

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

COME NOW Peter S. Gilster and the Law Firm of Greensfelder, Hemker & Gale, P.C. (collectively hereafter “GHG”), and hereby move for leave to withdraw as appointed counsel of record for Defendant Erin Province Engle [Erin Province a/k/a Erin Engle] (“Defendant Engle” herein) In support of this Motion, GHG respectfully states as follows:

1. The above-captioned matter is brought against Defendant Engle and numerous other named individuals and corporate and professional entities.
2. GHG were appointed by order of the Court on Friday, November 13, 2009, to defend Defendant as an indigent party.
3. GHG upon notice of appointment to represent Defendant Engle exercised its normal due diligence in conducting a customary and routine conflicts inquiry.
4. On November 17, 2009, Peter S. Gilster, an officer of Greensfelder, Hemker & Gale, P.C., discovered existing professional and business relationships with another of the defendants in connection with the present litigation, and also existing professional and business relationships with another of the defendants in matters other than the present litigation. These relationships have existed since before the appointment of representation by GHG of Defendant Engle on November 13, 2009, and these representations do continue to exist, such that GHG by

reason of conflicts of interest cannot fully represent Defendant Engle under the Rules of Ethics of the Missouri Supreme Court.

5. Peter S. Gilster and Greensfelder, Hemker & Gale, P.C. further state that professional considerations require termination of the representation by them of Defendant Engle pursuant to E.D.Mo. L.R. 83 - 12.01(H) in that such representation would create a conflict of interest as defined in Missouri Supreme Court Rule 4-1.16(c) and the American Bar Association Model Code of Professional Responsibility .

6. GHG's last known address for Defendant Engle is:

Erin Province Engle
120 Asilomar Court
Ballwin MO 63021

WHEREFORE, Peter S. Gilster and the Law Firm of Greensfelder, Hemker & Gale, P.C. respectfully request that the Court enter an Order granting them leave to withdraw from their representation of Defendant Erin Province Engle.

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2009, the foregoing Motion for Leave to Withdrawal as Counsel was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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